IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

JUDGMENT

Padma Ram **Vs.** State of Raj. & Ors.

**D.B. CIVIL SPECIAL APPEAL NO.287/2006**
against the order dated 14.11.2005 passed in
S.B. Civil Writ Petition No.3568/2002

Date of judgment : 19th May, 2006

PRESENT

HON'BLE JUSTICE MR. RAJESH BALIA
HON'BLE JUSTICE MR. R.P. VYAS

Mr. L.D. Khatri for the appellant.

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BY THE COURT:- (PER HON'BLE MR. RAJESH BALIA J.)

Having heard learned counsel for the appellant we find no merit in this appeal.

The facts of the case are that in favour of the appellant an allotment of 40 bighas of land was made in the year 1968 for temporary cultivation and in the year 1979 he was conferred khatedari rights on the basis of said cultivatory possession. However, a complaint came to be lodged before the Tehsildar, Barmer pointing out that in 1968 when the allotment

was made in favour of the appellant he was only 10 years of age. The allotment has been procured by the appellant through his guardian by misrepresenting the facts and obviously, the foundation for making permanent allotment and conferring the appellant with khatedari rights is against the law.

The Revenue Appellate Authority on enquiry under Rule 14 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purpose) Rules, 1970 found that the allottee was a minor in 1968 when the allotment was made on temporary basis and in 1979 khatedari rights were conferred. The Board of Revenue further recorded a finding that the allottee was not only minor at the time of allotment, but is presently engaged in a government service in Maleria Department and he was not a bonafide agriculturist and therefore, the allotment has been cancelled.

Considering these findings, the learned Single Judge has not interfered with the order of the Board of Revenue cancelling the allotment made in favour of the appellant.

We are in agreement with learned Single Judge that the allotment has been procured by dubious means and is

continuing to pose himself as an agriculturist notwithstanding he is in Government service since long. Thus, he cannot be considered even a bonafide agriculturist since he attained majority Therefore, extra-ordinary jurisdiction under Article 226 of the Constitution has rightly not been invoked in this case.

The appeal, therefore, fails and is hereby dismissed.

[ R.P. VYAS ], J. [ RAJESH BALIA ], J.

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